

IC 2001-1 TO AFI 90-301, INSPECTOR GENERAL COMPLAINTS

30 JANUARY 2001

★ SUMMARY OF REVISIONS

This revision clarifies the authority for appointment of IGs at all levels and outlines the procedures for the appointment of Associate Unit IGs; it clarifies the witness “Hand-off policy,” and establishes timeliness guidelines for the Complaint Resolution Process. The revision clarifies who may receive protected communications under 10 U.S.C. 1034 pursuant to Air Force regulations; provides policy guidance and procedures for conducting reprisal complaints analysis and investigation. It delineates changes in determining the type of investigations conducted based on the complexity of issues examined and the need for thoroughness.

- ★ 1.2.3. In accordance with 10 U.S.C. 936(a)(6), the authority to administer oaths for purpose of military administration may be granted to persons designated by regulations of the armed forces. Authority to administer oaths for IG investigations is hereby granted to all IG offices at all organizational levels as well as to all properly appointed Investigating Officers. This authority includes not only the administering of oaths to witnesses, but also the administering of oaths to confidential agents and technical advisors.
- ★ **1.4. Authority to Direct Investigations.** The authority to direct an IG investigation is vested only in individuals holding the positions listed below. This authority is hereinafter referred to as “Appointing Authority.” Appointing Authorities have the authority to direct investigations, appoint Investigating Officers (IOs), approve investigations, and make final determinations on the findings of investigations directed under their authority.
 - ★ 1.4.1. Secretary of the Air Force (SECAF).
 - ★ 1.4.6. Inspectors General (IG) in authorized positions at State level, MAJCOM, FOA, and DRU, NAFs, and at installations and wings, **if designated in writing by their respective commander.**
- ★ 1.8.2. The IG ensures the concerns of all complainants, and the best interests of the Air Force are addressed through objective fact-finding.
- ★ 1.9.7. SAF/IG will within 10 duty days of receipt, report to IG, DoD all allegations submitted to an Air Force IG that a service member was referred for a mental health evaluation in violation of DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*. Refer to paragraph 3.29 and Figure 3.4 for further guidance.
- ★ 1.9.8. SAF/IG will within 10 duty days of receipt, report to IG, DoD all allegations submitted to an Air Force IG that a service member was reprimed against for making or preparing to make a protected disclosure in violation of Title 10 United States

Code, Section 1034 (10 U.S.C. 1034) and DoDD 7050.6, *Military Whistleblower Protection*. Refer to paragraph 3.18 and Figure 3.2 for further guidance.

- ★ 1.9.8 SAF/IG is also responsible for reviewing all cases involving substantiated allegations or adverse information against Senior Officials, colonels and colonel selects and for preparing Senior Officer Unfavorable Information File (SOUIF) summaries.
- ★ 1.10.5 Prepare and maintain investigative reports and executive summaries for review/enclosure in the **Senior Officer Unfavorable Information File (SOUIF)**. Act as the Air Force central repository for substantiated allegations or other adverse information against Senior Officials. Act As the Air Force office of primary responsibility for SOUIF preparation for the major general selection process.
- ★ 1.10.5.1. Ensure eligible brigadier generals meeting a major general promotion board are afforded a reasonable opportunity to provide written comments on adverse information concerning them, prior to SAF/GC's decision to create a SOUIF. If provided member's comments become part of the SOUIF.
- ★ 1.10.5.2. Provide a copy of SAF/GC approved SOUIF to the subject officers' senior rater, on or before the Promotion Recommendation Form Accountability date.
- ★ 1.10.5.1. Ensure eligible brigadier generals meeting the major general promotion boards are afforded a reasonable opportunity to provide written comments on adverse information concerning them, prior to SAF/GC's decision to create a SOUIF.
- ★ 1.10.5.2. Provide a copy of the completed SOUIFs (approved by SAF/GC) to the subject officers' senior raters.
- ★ 1.11.6.2. Act as the Air Force office of primary responsibility for SOUIFs preparation for the brigadier general process.
- ★ 1.11.6.2.1. Ensure eligible colonels meeting the brigadier general promotion boards are afforded a reasonable opportunity to provide written comments on adverse information concerning them, prior to SAF/GC's decision to create a SOUIF. If provided, members' comments become part of the SOUIF.
- ★ 1.11.6.2.2. Provide a copy of the completed SOUIFs (approved by SAF/GC) to the subject officers' senior raters, on or before the Promotion Recommendation Form Accountability date.
- ★ 1.11.6.3. Conduct file checks requested by the Air Force Colonel Matters Office (AFCMO), AFGOMO, AFSEMO, or SAF/IG for adverse information about colonels (or equivalent) by reviewing Air Force, DoD, and other government investigative files.

- ★ 1.14.1. Independent Installation IGs will be established at all active duty and AFRC installations; the 88 ANG flying wings. IGs at installations with 5,000 or more assigned will be in the grade of Colonel; those installations with less than 5,000 will be in the grade of Lieutenant Colonel.
- ★ **1.16. Associate (formerly tenant) Unit IGs.** Wing level associate unit commanders must request SAF/IG approval to appoint fulltime associate unit IGs. Fulltime associate unit IGs must be appointed in writing, and SAF/IG must approve such requests in writing prior to these individuals functioning in this capacity. Associate unit members maintain the right to address their complaints to the full-time Installation IG. The full-time Installation IG will evaluate the complaint and determine if the issue should be transferred to the associate unit's MAJCOM level IG office for resolution if it is an IG matter and the associate unit does not have an appointed IG. However, if the issue is best resolved by the associate unit commander the issue should be referred to command channels for resolution at the lowest possible level.
- ★ 1.18.2.4. The primary focal point for readiness or inspection programs.
- ★ 1.22.3.2. IGs may, exercising good judgment and weighing the desire to preserve confidentiality, refer a complaint (e.g., AF Form 102, written/typed complaint, etc.) to another channel (including command channels) even if the complainant disagrees with the referral. Such referrals may include, but are not limited to, allegations of crimes, notice of danger to people and/or property, personnel matters, and problems with potential impact on national defense.
- ★ **1.23. Commander-Directed Investigations and Inquiries (CDIs).**
- ★ 1.23.3. Commanders should not refer suspected criminal or subversive activities into IG channels.
- ★ 1.23.6.3. Advise subjects of a CDI of their right to consult legal counsel.
- ★ 1.23.6.4. Refer to the *CDI Guide* published on the SAF/IGQ website (www.ig.hq.af.mil/igq) for guidance in conducting CDIs.
- ★ **1.26. Reporting Allegations Against Senior Officials.** Commanders, IGs, and EEO/MEO/Civilian Personnel offices must immediately report all allegations of wrongdoing or adverse information against a Senior Official to SAF/IGS, in writing, using the format in Figure 1.1.
- ★ 1.27.1. Commanders, and EEO/MEO/Civilian Personnel offices:
- ★ 1.27.1.1. Must immediately report all allegations of wrongdoing and any adverse information against colonels (or equivalent) to SAF/IGQ using the format in Figure 1.2 or the ACTS form prescribed in the *ACTS User's Guide*. Provide an

informational copy to the IG at the level of notification (for forwarding up to their MAJCOM, FOA, or DRU IGs).

★ **Figure 1.1. Notification Memorandum for Reporting Allegations Against a Senior Official.**

<p>MEMORANDUM FOR SAF/IGS 1140 Air Force Pentagon Washington DC 20330-1140</p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Notification of Allegations Against a Senior Official</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. ACTS File Reference No (FRNO) <i>(provided by local or MAJCOM/IG):</i></p> <p>b. Subject's Name (Last, First, MI) and Rank:</p> <p>c. Subject's SSN: Subject's Duty Title: Organization: Base of Assignment:</p> <p>d. Location (Base) Where Allegation(s) Occurred:</p> <p>e. Complainant's Name (Last, First, MI) and Rank:</p> <p>f. Complainant's Duty Title: Organization: Base of Assignment: Duty Phone: Home Phone:</p> <p>g. Brief synopsis of allegation(s):</p> <p>h. Date the allegation(s) were received by the commander:</p> <p>i. Grade, rank, name and duty phone number <i>(commercial and DSN)</i> of POC:</p> <p style="text-align: right;">SIGNATURE BLOCK</p> <p>Attachment: Complaint [Note: Include the following "privileged document" caveat only if prepared in IG channels. FOUO always applies when form is completed.] This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside Inspector General channels without prior approval of the Inspector General (SAF/IG) or designee.</p>
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- ★ 1.27.1.2. Following the investigation, must provide final resolution of the allegations against the colonel (or equivalent) to SAF/IGQ. Refer to Table 1.1 for a list of required documents for non-IG investigations. Provide an informational copy to the IG at the level of notification (for forwarding up to their MAJCOM, FOA, or DRU IGs).

★ 1.27.2. IGs:

- ★ 1.27.2.1. Must immediately report all allegations of wrongdoing and any adverse information against colonels (or equivalent) to SAF/IGQ using the format in Figure 1.2 or the ACTS form prescribed in the *ACTS User's Guide*.
- ★ 1.27.2.2. Following the investigation, Commanders and IGs must provide final resolution of the allegations against the colonel (or equivalent) to their MAJCOM, FOA, DRU IGs for forwarding to SAF/IGQ. Refer to Table 3.3 for documents required for IG investigations.

★ **Figure 1.2. Notification Memorandum for Reporting Allegations Against a Colonel (or equivalent).**

<p>MEMORANDUM FOR MAJCOM/IG SAF/IGQ <u>IN TURN</u></p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Notification of Allegations Against a Colonel, Colonel-select or GS/GM-15</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. ACTS File Reference No (FRNO) <i>(provided by local or MAJCOM/IG):</i></p> <p>b. Subject's Name (Last, First, MI) and Rank:</p> <p>c. Subject's SSN: Duty Title: Organization: Base of Assignment:</p> <p>d. Location (Base) Where Allegation(s) Occurred:</p> <p>e. Complainant's Name (Last, First, MI) and Rank:</p> <p>f. Complainant's Duty Title: Organization: Base of Assignment:</p> <p>g. Brief synopsis of allegations:</p> <p>h. Date the allegations were made:</p> <p>i. Official to whom allegations were made:</p> <p>j. Grade rank name and duty phone number <i>(commercial and DSN)</i> of POC:</p> <p>SIGNATURE BLOCK</p> <p>Attachment: Complaint</p> <p>[Note: Include the following "privileged document" caveat only if prepared in IG channels. FOUO always applies when form is completed.]</p> <p>This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of Inspector General channels without prior approval of The Inspector General (SAF/IG) or designee.</p> <p>FOR OFFICIAL USE ONLY</p>

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★ **Table 1.1. Documents Required by SAF/IGQ for non-IG Cases on Colonels (or equivalent).**

R U L E	A	B
	IF the allegations are resolved by:	THEN SAF/IGQ requires the following documents to close the case:
1	A commander-directed investigation or inquiry (CDI)	<ol style="list-style-type: none"> 1. Copy of CDI report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, 4. LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 5. Any rebuttal or statement provided by the subject
2	Commander's inquiry with no documentation or report	<ol style="list-style-type: none"> 1. A memorandum, signed by the commander, outlining how the allegations were addressed 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 4. Any rebuttal or statement provided by the subject
3	An EOT or EEO investigation (SEE NOTE)	<ol style="list-style-type: none"> 1. Copy of EOT or EEO investigation report 2. Copy of legal review (if available) 3. Copy of any command actions including Article 15s, LORs, LOCs, LOAs, memorandums counseling the subject, or a memorandum documenting verbal counseling of the subject 4. Any rebuttal or statement provided by the subject
4	Any civilian complaint process with or without mediation	<ol style="list-style-type: none"> 1. Copy of settlement or mediation agreement 2. Copy of allegations of wrongdoing by a colonel (or equivalent) 3. Copy of legal review (if any) 4. Copy of any actions taken against subject as a result of the allegations, and any rebuttal or statement provided by the subject
5	Courts-martial	<ol style="list-style-type: none"> 1. Copy of charges preferred 2. Notification of charges referred and estimated date of trial 3. Upon completion, copy of the results of trial
6	AFOSI, Security Forces, or other criminal investigation	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of command actions taken upon completion of investigation 3. Any rebuttal or statement provided by the subject
7	Clinical Privileges Peer Review	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
8	Anti-Deficiency Act Investigation.	<ol style="list-style-type: none"> 1. Copy of investigative report 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of investigation 4. Any rebuttal or statement provided by the subject
9	Article 138	<ol style="list-style-type: none"> 1. Copy of findings from Subject's Commander 2. Copy of legal review (if available) 3. Copy of command actions taken upon completion of appropriate review (if applicable) 4. Any rebuttal or statement provided by the subject

10	Aircraft Accident Board (AIB) Investigations	1. Copy of Summary of Facts, Statement of Opinion, and any other portions of AIB report containing derogatory information, unless the entire report is required. 2. Copy of any documents containing derogatory information which were created/obtained by any post-AIB investigation/inquiry 3. Copy of legal review of derogatory information (if available) 4. Copy of command actions taken upon completion of appropriate review (if applicable) 5. Any rebuttal or statement provided by the subject
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NOTE: For civilian EEO or military MEO pre-complaints (informal complaint), if any settlement agreement is reached, a copy of the agreement **must** be forwarded to SAF/IGQ.

- ★ 1.30.5. Appoint (when delegated as Appointing Authority) commissioned officers, senior NCOs (E-7 and above), and civil service employee equivalents (GS-9 and above) as IOs to investigate complaints (Refer to paragraph 2.25). If the IG is not the Appointing Authority, then the Appointing Authority must appoint the IO.
- ★ 1.31.1. All IG actions (assists, dismiss, transfer, referrals, CAT I and CAT II investigations Congressional (IG), etc..) and FWA contacts must be entered into the **Automated Case Tracking System (ACTS)** database in accordance with established guidance as published by SAF/IGQ in the *ACTS User's Guide*.
- ★ 1.31.1.3. *The ACTS User's Guide* provides specific instructions for the use of ACTS and updating the processing of complaints/actions. The manual can be downloaded from the SAF/IGQ website (www.ig.hq.af.mil/igq).
- ★ 1.31.1.5. To accomplish the data input, the minimum equipment and software required in each IG office is identified in the *ACTS User's Guide*. As ACTS increases its data collection capabilities with improvements in technology, equipment and software improvements may be necessary. It's essential that every IG office obtain the equipment and training requirements identified by SAF/IGQ so they may continue to provide accurate, timely data to commanders.
- ★ 1.38.7.3. **EXCEPTION:** If command action has been taken and included a court-martial, coordinate with the SJA before erasing, demagnetizing, or destroying audio tapes to determine if they must be retained for a longer period.
- ★ 1.41.7.1. Third-party complainants are not entitled to a response regarding the substance of alleged wrongs not directly affecting them. Third-party complainants are entitled to have receipt of their complaint acknowledged.
- ★ 1.46.4.1. The attorney performing the legal review must be someone other than the person assigned to advise the IO.
- ★ 1.46.6. Reminding commanders of their responsibility to immediately notify SAF/IGS or SAF/IGQ through their MAJCOM, FOA, DRU, IG and their chain of command when:

- ★ 1.50.2. Providing follow up and final reports to the general court-martial authority as required by law for IG investigations conducted into allegations of sexual harassment.
- ★ 1.50.5. Notifying SAF/IGQ when allegations of wrongdoing against colonels (or equivalent) are received
- ★ 1.50.6. Providing the results of EOT investigations or complaint analyses conducted as a result of allegations against colonels (or equivalent) to SAF/IGQ
- ★ 2.3.1. IGs must make every effort to protect the identity of complainants from anyone outside IG channels. If a complaint is more appropriate for command or other channels, the IG must advise the complainant of the referral. Even if the complainant disagrees, a complaint (e.g., AF Form 102, written/typed complaint, etc.) may be referred to other channels.
- ★ 2.3.4. The Appointing Authority must approve or disapprove requests, in writing, from the IO to grant express confidentiality for witnesses after consulting with the SJA to determine necessity and advisability.
- ★ 2.4.1.2. IGs should resolve complaints at the lowest possible level but may elevate complaints when appropriate such as when self-investigation or the perception of self-investigation is an issue.
- ★ 2.4.2. IGs will refer complaints (e.g., AF Form 102, written/typed complaint, etc.) that fall under the purview of another office or agency, under other directives with established grievance channels, or are otherwise not under the purview of the IG system.
- ★ **2.5. Complaints Resolution Process.** To assist IGs in managing complaints, the following table describes actions required to complete a complaint case from receipt through investigation to closure. The process contains 14 steps and is divided into three phases, pre-investigation, investigation, and post-investigation.

★ Table 2.1. The Complaints Resolution Process.

A	B	C	D
PHASE	STEP	PROCESS NAME	PROCESSING TIMELINE (duty days)
Phase 1: Pre-Investigation	1	Contact	< 1 Day
	2	Analysis	< 3 Days
	3	Tasking	< 5 Days
	4	Pre-Fact finding	< 5 Days
Phase 2: Investigation	5	Fact-finding	< 15 Days
	6	Report Writing	< 30 Days
Phase 3: Post-Investigation	7	IG Quality Review	< 3 Days
	8	Technical Review	< 3 Days
	9	Legal Review	< 7 Days
	10	Re-work	< 0 Days
	11	Closure	< 4 Days
	12	Follow-up	< 0 Days
	13	Higher Headquarters Review	< 25 Days
	14	SAF/IGQ Review	< 20 Days

★ Section 2B -- Step 1: Contact (< 1 Day)

★ **Table 2.2. How to Conduct a Complaint Clarification.**

Step	Action
1	Find a private location if the complaint is made in person.
2	If the complainant has not yet done so, ask them to complete the complainant portion of an AF Form 102.
3	Find out if the complaint was filed with another agency/individual.
4	If the complainant has not talked to their supervisor, first sergeant, or commander, find out why. Unless the circumstances warrant otherwise, encourage the complainant to attempt resolution in supervisory or command channels first. Explain why this is the preferred approach (faster resolution, command has the authority to remedy the situation, etc.). Explain that, if the matter is clearly a command issue and not within the purview of the IG, the complaint could be referred to command channels regardless of the desires of the complainant.
5	Determine if the individual has sought assistance from an appropriate source for the information (for example, military personnel flight, finance, or military equal opportunity office). Refer them to that source if they have not.
6	If it has been more than 60 days since the complainant learned of the alleged wrong, tell them the complaint may be dismissed. Explain that complaints are reviewed for dismissal on a case-by-case basis and the length of time since the alleged event can seriously impede the effectiveness of an investigation. Ask the complainant why they delayed in filing the complaint and if there were any compelling circumstances.
7	Ask the complainant to clarify their allegations, as necessary. Generally, a statement of fact must identify the nature and substance of the alleged wrong with sufficient detail and facts to enable the IG to ascertain what potential violations may have been committed. The complainant should also identify the source (for example, the documents or names of witnesses who can corroborate the allegations); the date; and the act or condition that occurred or existed at that date. If the complainants allege reprisal, explain to them of the whistleblower protection afforded by 10 U.S.C 1034, that you (or any IG) can extend that protection without any further request to IG, DoD is necessary. Follow the procedures in Section 3C for processing the complaint.
8	Ask the complainants what remedy they are seeking.
9	Explain the steps involved in processing an IG complaint and/or conducting an investigation (both Cat I and Cat II).
10	Inform the individual when you expect to get back to them (normally this will be an interim reply).

★ **Table 2.3. Processing Complaints.**

Step	Action
1	Log complaint into the ACTS database.
2	Mark documents "COMPLAINANT PROVIDED" in the lower right hand corner of each page.
3	Contact complainant in writing, by telephone, or in person within 5 duty days to acknowledge receipt (unless received directly from complainant). Provide interim updates 60 days after receipt of the complaint and every 60 days thereafter until a final response is provided.

★ **Section 2C -- Step 2: Conducting a Complaint Analysis (< 3Days)**

★ **Table 2.4. Processing Special Interest Complaints.**

R U L E	A	B
	IF the complainant makes allegation(s) . . .	THEN immediately . . .
1	Against a Senior Official	Report and transfer the allegations through your IG structure to SAF/IGS by using Figure 1.1.
2	Against a colonel (or equivalent)	Report the allegations through your IG structure to SAF/IGQ (use Figure 1.2) and follow the procedures in Section 3B.
3	Against an IG or IG staff member	Transfer the complaint to the next higher level IG for action and document as a TRANSFER in ACTS.
4	That a military member was reprimanded for making a protected disclosure	Advise complainants of their right for whistleblower protection under 10 U.S.C. 1034 (See Note), continue with complaint analysis, and follow the procedures in Chapter 2 and Section 3C .
5	That a military member was improperly referred for a Mental Health Evaluation	Notify SAF/IGQ through your IG structure and continue with analysis, following the procedures in Chapter 3, Section 3D.
6	Of violations of Military Equal Opportunity and Treatment (EOT) policy	Immediately refer the complainant to the Military Equal Opportunity office for a complaint clarification.
7	Of fraud, espionage, sabotage, treason, subversion, disloyal statements, disaffection, or other criminal offenses	Immediately consult with the SJA and local AFOSI office to determine whether the allegations should be handled through AFOSI or IG channels.

★ **2.13. Conducting a Complaint Analysis.** A complaint analysis is a preliminary review of allegations and evidence to determine the potential validity and relevance of the allegations to the Air Force and to determine what action, if any, is necessary within IG, command, or other channels. A formal analysis is **not** required when no allegations or evidence of wrongdoing exist and the issue can be handled through IG *assistance*. A complaint analysis will always result in one of the following: investigation, dismissal, referral or transfer of the complaint.

★ **Section 2D -- Step 3: Referring, Transferring, Dismissing, Assisting, or Tasking a Complaint (< 5 Days)**

★ **Table 2.5. Matters Not Appropriate for the IG Complaint System.**

R U L E	A	B
	Type of Complaint	Referral Agency
1	Appropriated Fund employees -- Conditions of employment (personnel policies, practices, and matters affecting working conditions) or, EEO issues (discrimination based on age, race, color, sex, religion, disability, or national origin), or reprisal against a civil service employee	Refer to the servicing Civilian Personnel Flight (CPF) for action in accordance with civilian grievance system (either Administrative IAW AFI 36-1203 or Negotiated IAW locally negotiated agreements). EEO Complaints should be referred to the Chief EEO Counselor for processing IAW AFI 36-1201.
2	Nonappropriated Fund (NAF) employee conditions of employment issues or reprisal	Servicing NAF Employment Office (conditions of employment) or the IG, DoD for reprisal allegations
3	Military Equal Opportunity and Treatment (EOT) Issues	Refer to local Military Equal Opportunity office -- AFI 36-2706
4	Administrative Separations	Refer to local Military Personnel Flight (MPF)--AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserves & ANG)
5	Air Force Reserve Assignment matters	Refer to HQ AFRC/DP -- AFI 36-2115
6	Equal Opportunity in off-base housing	Refer to the Housing Referral Office--AFPD 32-60
7	Landlord or tenant disputes	Refer to Commander -- AFI 32-6001
8	Claims against the Government	Refer to SJA -- AFI 51-502
9	Correction of military records	Refer to SAF/MIBR (AFBCMR process) -- AFI 36-2603
10	Appeal of an Officer Performance Report (OPR), Enlisted Performance Report (EPR), or Promotion Recommendation Form (PRF)	Refer to SAF/MIBR (AFEARB process) -- AFI 36-2401
11	Support of Dependents and Private Indebtedness	Refer to subject's commander or DFAS -- AFI 36-2906
12	Suggestions	Refer to local Suggestion Monitor or AF/PE -- AFI 38-401
13	Change to an Instruction/Regulation or current policy guidance	Refer to appropriate HQ USAF OPR -- AFI 33-360, Vol. 1
14	LOC, LOR, or Article 15 (other than discrimination/reprisal)	Refer to chain of command or Area Defense Counsel (ADC) (or HQ AFLSA/JAJM)
15	Punishment under UCMJ	Refer to ADC or HQ AFLSA/JAJM -- AFI 51-201
16	Article 138, UCMJ (Complaint of Wrong)	Refer to Legal channels -- AFI 51-904
17	Hazardous Working Conditions (unsafe or unhealthy)	Refer to SE -- AFI 91-301
18	Elimination From Training	Refer to HQ AETC/IG (AETC directives)
19	Medical Treatment	Refer to SG for Quality Assessment or Medical Incident Investigation (MII), AFI 44-119
20	Tricare Complaints	Refer to Tricare Benefits Services Office
21	Allegations of homosexual conduct	Refer to Commander -- AFI 36-3208 (Enlisted), AFI 36-3207 (Officers), AFI 36-3209 (Reserves & ANG)
22	Misuse or abuse of government vehicles	Refer to LGT --AFI 24-301
23	Unprofessional Relationships/Adultery	Refer to Commander -- AFI 36-2909
24	Allegations regarding non-AF organizations or agencies	Refer to specific agency or Service IG or to Defense Hotline
25	Allegations of reprisal by DoD contractors	Refer to IG, DoD
26	Allegations against Military Defense Counsel	Refer to Chief Circuit Defense Counsel
27	Anti-Deficiency Act violations	Refer to SAF/FM -- AFI 65-608

28	Commander-Directed Investigation (CDI)	Refer to Commander for CDI process issues Refer to chain of command or ADC for CDI corrective action
29	Contracting Issues	Refer to issuing contract unit or SAF/AQC

- ★ **2.18 Referring a Complaint.** When the complaint analysis discloses that an organization or agency outside the IG complaints system can more appropriately handle a complaint, IGs will refer the complaint (e.g., AF Form 102, written/typed complaint, etc.) to the appropriate organization or agency following the procedures described in Table 2.6.

★ **Table 2.6. How to Refer a Complaint.**

Step	Action
1	Using complaint analysis, determine if the complaint should be handled in other channels
2	For verbal complaints, advise complainant that the complaint is not appropriate for IG action because other established grievance or appeal channels exist for resolution of the complaint.
3	For written complaints, refer the complaint (e.g., AF Form 102, written/typed complaint, etc.), in writing, to the appropriate agency and notify the complainant, in writing, of the referral, or refer the complainant to the existing grievance channel.
4	If appropriate, ask the referral agency to provide you a copy of any closure response to the complainant for your case file. (NOTE)
5	Document the case in ACTS as “REFER OUT” and close the case.

NOTE: If the complainant notifies the referring IG that he/she did not receive a final response from the referral agency, the IG should follow-up to ensure the referral agency received the complaint and provided a response to the complainant.

★ Table 2.7. When to Transfer A Complaint to Another IG.

R U L E	A	B	C
	IF...	AND...	THEN ...
1	The subject is a Senior Official	The complaint is received by any IG office other than SAF/IGS	Transfer the complaint to SAF/IGS
2	The complaint has not been addressed at the level where the alleged wrongdoing occurred	the higher-level IG determines transfer to the lower-level IG is appropriate and no evidence of bias by lower-level IG exists	Transfer the case to the lower-level IG
3	The complaint presents a conflict of interest for the Appointing Authority or IG		Transfer the complaint to the next higher level IG
4	The subject is the Appointing Authority or a member of his/her immediate staff, or an IG staff member		Transfer the complaint to the next higher level IG
5	The subject is an AFOSI agent	The complaint is received by any IG other than SAF/IGQ or AFOSI/IG	Transfer the complaint to SAF/IGQ
6	The subject is assigned to a higher level of the Air Force or another MAJCOM (or equivalent) than the IG receiving the complaint	The complaint is appropriate for IG action, but the alleged wrongs happened in a unit under the other MAJCOM or higher IG's jurisdiction	Transfer the complaint to the IG at the same level and command as the subject or where the alleged wrongs happened
7	The complainant is assigned to the host wing, an associate unit, or is anonymous or a third party	The subject (person, process, or agency) is assigned to the host wing	The host IG will process the complaint and oversee or conduct the investigation (if required).
		The subject (person, process or agency) is assigned to an associate unit	Transfer to the associate Inspector General or Wing Commander (as appropriate) responsible for the subject, process, or agency, and provide technical support and ROI quality review if requested to do so.

★ **Table 2.9. When to Dismiss a Complaint.**

R U L E	A	B	C
	IF	AND...	THEN ...
1	If the complaint analysis discloses no recognizable wrong, or violation of law, regulation, or policy		Dismiss the complaint
2	The complaint analysis discloses a matter within the IG's purview, but the complainant did not contact the IG within 60 days of learning of the alleged wrongdoing	There are no extraordinary circumstances justifying the delay or special Air Force interest in the matters alleged	Dismiss the complaint (Note 1)
3	The complainant refuses to provide sufficient evidence to properly conduct the complaint analysis		Dismiss the complaint
4	The complainant files a complaint under Article 138, UCMJ	The Article 138 complaint addresses the same matters addressed in the IG complaint	Dismiss the IG complaint
5	The IG deems the complaint frivolous or an IG investigation would not appreciably affect the outcome or remedy sought		Dismiss the complaint (Note 2)
6	The complaint analysis discloses a matter within the IG's purview, but the allegations have already been investigated and reviewed by higher-level IG office	The complainant provides no new evidence or information that justifies further investigation	Dismiss the complaint

Notes:

1. The most important consideration in dismissing a complaint based on timeliness is the potential to gather sufficient facts to determine the facts and circumstances surrounding the alleged wrongdoing.
2. Generally, a complaint is **not frivolous** if it pertains to an Air Force person, organization, program or policy and identifies a violation of law, regulation, policy, or procedure.

- ★ 2.23.1. IGs may conduct Category I investigations to address complaints that can be quickly resolved through normal staff functions; that is, by checking records and correspondence, reviewing applicable instructions, examining material evidence, and, as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant, subjects, and persons having direct knowledge of the matter. Only IGs or IG office investigative staff members may conduct Category I investigations.
- ★ 2.23.2. Category II investigations are used to investigate complex complaints and allegations that cannot be adequately resolved through a thorough complaint analysis or Category I investigation. Category II investigations require the appointment of an Investigating Officer (IO) by an Appointing Authority exercising jurisdiction over the operation, organization, function, or personnel named in the complaint. IGs may conduct Category II Investigations if time permits, however, an appointment letter is still required.

★ **Table 2.12. Notification Matrix for Investigations on Lt Cols (not colonel-selects) and Below (Pre-Investigation and Investigation Phases).**

R U L E	A	B	C
	IF in the...	AND the investigation is...	THEN ...
1	Pre-Investigation Phase	Category I	IG notifies Appointing Authority, if appropriate.
2		Category II	1. IG notifies Appointing Authority. 2. Appointing Authority appoints IO.
3	Investigation Phase	Category I	1. Appointing Authority notifies subject's commander of scope of investigation (in general terms). 2. Commander notifies subject and witnesses. 3. IG notifies Complainant. 4. IG provides interim response to complainant 45 days after receipt of complaint and every 60 days thereafter until final response is provided. 5. IG provides progress reports (PRs) to higher-level IG (if required) at suspense date and every 1st of each month until investigation is finished.
4		Category II	1. Appointing Authority notifies subject's commander of scope of investigation (general terms). 2. Commander notifies subject and witnesses. 3. Appointing Authority or IG notifies complainant. 4. Appointing Authority or IG provides interim response to complainant 45 days after receipt of complaint and every 60 days thereafter until final response provided. 5. IO provides PRs to Appointing Authority or IG at suspense date and the first of every month thereafter until investigation is finished. IG provides copy of PR to higher-level IG (if required).

- ★ 2.25.3. If a Appointing Authority decides a Category II investigation is needed, they must appoint an IO in writing, regardless of who is selected as the IO.
- ★ 2.25.4. An IO is the personal representative of the Appointing Authority and/or the Commander. IOs must be impartial, unbiased, objective, thorough, and available.
- ★ 2.25.5. The IO must be a commissioned officer, senior NCO (E-7 and above), or a civil service employee equivalent (GS-9 and above).
- ★ **2.28. Requirement for Progress Reports.** Progress Reports (PRs) to the Appointing Authority or IG and to higher-level IGs are required for all cases when they are not finalized by the suspense date. First PR is due on or before the suspense date and on the first of every month thereafter until the investigation is completed. Higher-level IGs may request additional PRs as necessary. Complete PRs by using the format in Figure 2.2 or the form prescribed in the *ACTS User's Guide*. Refer to

paragraph 3.20.2 for PR requirements for reprisal cases; paragraph 3.30.1.2 for MHE cases; and, paragraph 3.11.3 for O-6 cases.

★ **Figure 2.2. Sample Progress Report.**

<p>MEMORANDUM FOR [applicable Appointing Authority or higher-level IG office]</p> <p>FROM: [applicable office]</p> <p>SUBJECT: Progress Report - [Type of Case (<i>Defense Hotline FWA, Air Force FWA, Personal Complaint - IG/Congressional/White House/High Level, DoD 1034 Reprisal, Violation of DoD Directive 6490.1 and so forth</i>)]</p> <p>1. Complainant's or Subject's name and ACTS Number:</p> <p>2. Grade/rank and full name of official conducting the investigation:</p> <p>3. Organization, duty position and contact telephone number (<i>provide commercial and DSN numbers</i>):</p> <p>4. Date complaint initially received by IG:</p> <p>5. Date IO appointed:</p> <p>6. Status of Investigation:</p> <p> a. Summary of Investigation to date: (<i>brief summary of interviews, document reviews, and any pertinent information obtained by the examination</i>):</p> <p> b. Status of case: (i.e. under investigation, in legal review, etc.)</p> <p> Reason for delay in completing case: (<i>Be specific</i>)</p> <p> Final action(s) to be completed:</p> <p> Expected completion date (ECD) of case to Higher-level IG: (<i>ECD is date the case will arrive at next level</i>)</p> <p>7. Grade/rank, name and duty telephone number (<i>commercial and DSN</i>) of IG point of contact (POC):</p> <p style="text-align: right;">SIGNATURE BLOCK</p> <p>[Note: Include the following "privileged document" caveat only if prepared in IG channels. FOUO always applies when form is completed.]</p> <p style="text-align: center;">This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of Inspector General channels without prior approval of The Inspector General (SAF/IG) or designee.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p>
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(FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED)

★ **Section 2E -- Step 4: Pre-fact Finding (< 5 Days)**

★ **Section 2F -- Step 5: Fact Finding (< 15 Days)**

- ★ 2.35.1. Documentary Evidence: The best form of evidence is written documentation. During the course of investigations IOs normally collect copies of documents, records, and other physical evidence to aid them in their duties. Assuming it is authentic, documentary evidence gives the investigator a snapshot in time.
- ★ 2.35.2. Computer Records: Data contained on computer hard drives, local area networks, e-mail systems, disks, etc., are considered to be documentary in nature but pose special problems. Obtaining access to this information can be difficult, and the local SJA should always be consulted.
- ★ 2.35.3. Testimony: The other major form of evidence is that presented by a live witness in the form of testimony. Normally, the bulk of evidence during an investigation is collected in this format and, for this reason, it will be discussed separately in this section.
- ★ 2.35.4. Hearsay: Hearsay is a *statement* heard and repeated by a third party as the truth. In other words, the third party is telling the IO that the content of the statement is true. Although IOs may consider evidence obtained as hearsay, whenever possible, an IO should always try to talk to the actual witness who made the statement, especially if they are reasonably available and the statement is important.
- ★ 2.36.2.4. Sign all summarized testimony to certify its validity. Add the following statement to the end of the summarized testimony: "I certify the above to be a true summary of sworn (or affirmed) testimony given to me on (date) at (place)."
- ★ 2.36.3. For witnesses outside the local area, an IO can either travel to meet and interview the witness, or interview the witness telephonically. In this case, the IO may ask the local IG to read-in or swear-in the witness and verify his/her identity. For Category II investigations, all subjects or suspects should be interviewed in person.
- ★ 2.36.5. Witnesses who are military members or federal civilian employees may refuse to testify only if they believe they might incriminate themselves (refer to paragraph 2.39 of this instruction). If self-incrimination is not a concern, witnesses may be ordered to testify by the Commander. Further refusal may be the basis for disciplinary action.
- ★ 2.38.1. The Civil Service Reform Act of 1978 created a right to union representation for federal civilian employees whose term of employment is governed by a union contract. This right arises during interviews with a federal employee in connection with investigations if: (a) the employee **reasonably believes** that disciplinary action will be taken against him or her as a result of the interview, and (b) the employee requests union representation--the union has no right to have a representative present in the absence of a request from the employee. This right **does not** apply to management personnel.

- ★ **2.39. Policy Regarding Rights Advisements.** If during the course of an investigation, the IO discovers information leading them to believe matters of a criminal nature have occurred and a witness or subject becomes a suspect, the IO must stop the interview, immediately consult with the Appointing Authority and the legal advisor, and (if allowed to proceed) advise the suspects of their rights. If after rights advisement, the witnesses refuse to testify based upon their right against self-incrimination or if they express a desire to speak to an attorney, then the interview **must stop**.
- ★ 2.39.3. Civilian witnesses, even if suspected of an offense, need not be advised of their Fifth Amendment rights when interviewed as part of an IG investigation. Under the law, such rights are only required in conjunction with custodial interrogations (i.e. interrogations in which interviewee is not free to leave at will). Interviews by an IG investigating officer under authority of this instruction do not meet that threshold requirement. The lack of a requirement to advise civilian witnesses of their Fifth Amendment rights does not preclude them from invoking such rights if circumstances warrant. Again, consult with the legal advisor anytime there is a question of rights advisement.
- ★ **2.41. Policy Regarding Subject/Witness “Hand-offs.”** The following outlines Air Force policy regarding Category I and Category II investigative interviews. Air Force experience discloses that **subjects** of an investigation might be at a greater risk of committing suicide.
- ★ 2.41.2.1. **These referrals require a person-to-person (“hand-off”) contact between the IO and the subject’s first sergeant, commander, or supervisor, and must be documented within the ROI.**
- ★ 2.41.3. If any witness appears to be emotional, distraught, or stunned during the process of any interview, they should not be allowed to depart alone, but should be released to their first sergeant, commander, supervisor, or their designee, who will help ensure the individual receives the necessary support to safely handle his or her personal crisis (referred to as “handing-off”). The referral must be documented within the ROI, and should also be noted at the end of the testimony (verbatim or summarized). A “hand-off” is only required for witnesses if the IO determines the witness has been sufficiently disturbed by the interview to warrant person-to-person contact.
- ★ 2.41.4. When providing the above notification or personal “hand-off”, the IO should indicate that the individual is part of an IG investigation. The IO should also explain the reason for any concern he or she has about the individual’s personal safety (*e.g.*, individual was emotionally distraught, shocked, *etc.*).
- ★ 2.41.4.2. If time permits, the IO should coordinate with the IG before “handing-off” an individual or notifying the commander. However, an IO should not delay

obtaining appropriate assistance for individuals whose emotional state demands immediate attention simply to obtain IG coordination.

- ★ 2.41.5. When subjects or witnesses invoke their Article 31 rights during an interview, the commander, first sergeant, or supervisor will be informed of this fact and instructed to avoid any questioning, interrogation, or discussions in the subject's presence of a nature likely to elicit statements or admissions regarding the alleged offenses.

- ★ 2.41.6. If a member informs investigators that they have already obtained an attorney, it is advisable to also notify the attorney. When the IO has no legal authority to detain individuals (i.e., civilian witnesses), a reasonable effort must be made to "hand-off" the individual directly to their squadron representative. When a direct hand-off is not possible, a referral as specified above must be made as soon as possible.

★ ***Section 2G -- Step 6: Writing the Report (< 30 Days)***

- ★ 2.43.4. Were the standards violated (was a rule, regulation, policy, or law broken)? Once the standards have been identified, the IO must then decide whether the facts, taken as a whole, would lead a reasonable person to conclude the standards were violated. The IO should consult the legal advisors when in doubt about whether a particular action violated Air Force standards. However, the final decision rests with the Appointing Authority during the final approval process.

- ★ 2.43.5. Who violated the standards and do any mitigating factors exist? When assessing whether a certain individual violated particular standards, the IO should keep in mind the standard of proof by a preponderance of the evidence. The preponderance standard applies to factual determinations, determinations of intent, and ultimately to the IO's conclusion about whether the subject violated the standard alleged by the complainant and whether the violation constitutes wrongdoing.

- ★ 2.45.2.3. Address each of the framed allegations in the report. If the Appointing Authority determines an allegation should not be examined in the investigation, the IO must document the Appointing Authority's decision.

- ★ 2.47.2. Case files for Category I investigations should be organized according to Figure 2.3, using the tabs applicable in each situation. Prepare a **Table of Contents** showing the contents of the case file. Unused tabs should be documented in the table of contents with the statement "This tab not used." **There is no need to include the unused tabs in the actual case file for Category I investigations.**

★ **Figure 2.3. Case File Format (Table of Contents) for Non-Senior Official Investigations. (Notes 7 and 8)**

Section I. Administrative File	
Tab A	SROI and/or HCR (NOTE 1)
Tab B	Legal Reviews
Tab C	Technical Reviews (if applicable)
Tab D	Recommendations (if requested by Appointing Authority) (NOTE 2)
Tab E	Command Actions (if applicable)
Tab F	Letter of Notification to Subject's Commander (Final and Initial)
Tab G	Complainant Notification Letter Letters (Final, Interim, and Acknowledgement)
Tab H	Privacy Act Release (if applicable; required for 3rd party complaints)
Tab I	Reprisal Rights Advisement Form (if applicable)
Tab J	Redacted ROI for DoD 1034 Cases
Tab K	Administrative Documents: Notification Letters, Memos, Progress Reports, Acknowledgment and Interim Letters (not forwarded to higher headquarters for review)
Section II. Report of Investigation (ROI)	
Tab A	Authority and Scope
Tab B	Introduction: Background and Allegations
Tab C	Findings, Analysis, and Conclusions
Tab D	Appointing Authority Approval and Command Position
Tab E	ROI Addendum (<i>when accomplished</i>)
Section III. Support Documentation	
Tab A	Appointment and Tasking Letters (NOTE 3)
Tab B	Complaint with Attachments (May be an AF Form 102) (NOTE 4)
Tab C	Chronology of Events
Tab D	Index of Witnesses (NOTE 5)
	D(1) Complainant's Testimony
	D(2) Subject's Testimony
	D(3) - D(#) Other Subject(s) Testimony
	D(#) - D(#) All Other Witness Testimony
Tab E	Index of Exhibits (NOTE 4)
	E(1) - E(#) All Exhibits
Tab F	Index of Forms and Checklists (NOTE 6)

NOTES

1. An SROI is a stand-alone document used for reply to the complainant. An SROI is not required for IG, DoD 1034 cases, Defense Hotlines or Air Force Fraud, Waste, and Abuse (FWA) cases, and anonymous personal complaint cases. **However**, SROIs are required when the complainant is anonymous and the subject is a colonel (or equivalent) or when responding to a congressional or White House tasking. Defense Hotline and Air Force FWA cases require HCRs unless otherwise tasked.
2. Recommendations are optional and at the discretion of the Appointing Authority (Cat II). Refer to paragraph 2.45.3.
3. Include all tasking letters -- from the level initiated to the Investigating Officer's appointment letter.
4. Attach the complaint and any documentation provided by the complainant. Stamp or mark "Complainant Provided" in the lower right hand corner of each page.
5. Type an index of all the witness statements (complainant, subject(s), and witness(es)) and an index of all exhibits.
6. For investigations into violations of DoDD 7050.6 and/or violations of DoDD 6490.1 include the appropriate checklist/form (reprisal or MHE) shown in Attachments 2 and 3 of this instruction.
- 7. For Category II Investigations: When the IO doesn't use a specific "Tab" or "Section," the IO should annotate this on the tab or table of contents. Do not delete the tab, place a single sheet of paper with the words: "THIS SECTION (OR TAB) NOT USED" in the center of the page.**

8. **For Category I Investigations:** Organize and tab Category I case files using the tabs applicable in each situation. As a minimum, Category I case files should contain the following documentation (indexed and inserted in Sections I, II, and III at the prescribed tab): the complaint; tasking memos (if any); ROI; legal review (if obtained); SROI (if accomplished); the testimony (transcribed or summarized, if taken); copy of response to complainant; copy of notification to the subject's commander; copy of command's action (if applicable); and administrative documents including memos, progress reports, complaint acknowledgment or interim memos to the complainant.

- ★ 2.48.1.3. The complete investigation is Section II of the case file (ROI); Section III of the finalized IG case file contains the documents that support the results of the investigation in Section II. Figures 2.4 and 2.5 show the proper ROI format.
- ★ 2.48.2.2. Document **all** Category I investigations in a formal report titled *Report of Investigation: Category I* regardless of the findings of the investigation. Figure 2.4 and 2.5 show the proper ROI format for Category I investigations.

★ **Figure 2.5. ROI Format for Non-Senior Official Category II Investigations.**

[Section II is divided into four tabs (Tab A – Tab D)]

Section II, Tab A -- Authority and Scope. Include the following statement verbatim under this heading:

"The Secretary of the Air Force has sole responsibility for the function of The Inspector General of the Air Force (Title 10, United States Code, Section 8014). When directed by the Secretary of the Air Force or the Chief of Staff, The Inspector General of the Air Force (SAF/IG) has the authority to inquire into and report upon the discipline, efficiency, and economy of the Air Force and performs any other duties prescribed by the Secretary or the Chief of Staff. (Title 10, United States Code, Section 8020). Pursuant to AFI 90-301, *Inspector General Complaints*, authority to investigate IG complaints within the Air Force flows from SAF/IG to IG offices at all organizational levels."

In a second, consecutive paragraph include the following information:

"(Appointing Authority's rank, name, and duty title) appointed (Investigating Officer's rank and name) on (date of the appointment letter) to conduct the Investigation into (complainant's rank and name)'s allegations. (Complainant's rank and name) filed (his or her) complaint with (name of IG or Representative) on (date). The Investigation was conducted from (date) to (date) at (location)."

Section II, Tab B -- Introduction: Background and Allegations. Include a brief background leading to the alleged violations. The IO must list and number all allegations examined during the course of the case. If the Investigation is a continuation of a former case, include a short summary of the former effort including the results.

Section II, Tab C -- Findings, Analysis, and Conclusions. List each allegation, the findings, their analysis, and conclusions in the same order as the allegations in "Section I, Tab B."

The findings and conclusion for each allegation should build on the factual summary and discussion in this section. Findings must be supported by the facts addressed in the analysis (testimony and documentation). Findings must address all allegations. **Each allegation should be addressed separately.** If the evidence is in conflict and cannot be reconciled, that means that the facts did not satisfy the proof by a preponderance of the evidence standard and that, therefore, the allegations could not be substantiated. **The IO must sign the report at the end of Tab C.**

NOTE: Recommendations are optional at the discretion of the Appointing Authority. If an IO is tasked to make recommendations, the recommendations are not binding. If requested, recommendations will be provided **under separate cover** and will be filed at Section I, Tab D (not as part of the ROI). In all cases, an IO **will not** recommend specific punishments or administrative actions.

Section II, Tab D -- Appointing Authority Approval and Command Position. The Appointing Authority has the final say concerning the findings of an investigation. Appointing Authorities must sign Tab D and state if they approve/accept the findings or not. For specific guidance see Section 2L (Step 11 of the Complaint Resolution Process).

- ★ 2.49.2. An SROI is required for every non-Senior Official IG Category II investigation, except reprisal cases, Defense Hotlines or Air Force Fraud, Waste, and Abuse (FWA) cases, and anonymous personal complaint cases. **EXCEPTION:** SROIs are required for anonymous complaints **if** the subject is a colonel (or equivalent) or when responding to a congressional or White House tasking.

- ★ 2.49.4.6. Recommendations.
- ★ 2.49.4.7. Specific Actions Taken.
- ★ **Figure 2.6. SROI Format.**

SUMMARY REPORT OF INVESTIGATION PREPARED BY (Appointing Authority's Organization) OFFICE OF THE INSPECTOR GENERAL SUBJECT'S DUTY TITLE OR TOPIC OF COMPLAINT (SEE NOTE 2) DATE
BACKGROUND and ALLEGATIONS: FINDINGS and ANALYSIS CONCLUSIONS:
<p>Note 1: Do not use names in the SROI. Use duty titles (567th Transportation Squadron First Sergeant (567 TRANS/CCF) or terms such as complainant, supervisor, husband, son, etc.</p> <p>Note 2: Use the subject's duty title or topic of complaint (i.e., Sexual Harassment in the 567th Transportation Squadron, Norton Air Force Base, California)</p>

- ★ 2.51.1. Reprisal Evaluation Form. Unless dismissed, all reprisal cases must have a Reprisal Evaluation Form completed when the case is finalized. For specific guidance on how to complete this form see Attachment 2.
- ★ 2.51.2. Mental Health Referral Evaluation Form. For cases involving improper referral of military members for a Mental Health Evaluation (MHE), the IO must complete an MHE Referral Evaluation Form when the case is finalized. For specific guidance on how to complete this form, see Attachment 3.
- ★ **Section 2H -- Step 7: IG Quality Review (< 3 Days)**
- ★ **2.52. Requirement for IG Quality Reviews.** All investigations will receive a Quality Review (QR) by the local IG staff to ensure completeness, compliance with this instruction and other appropriate directives, objectivity, and legal sufficiency before forwarding to the Appointing Authority for approval, or to a higher IG level for review.
- ★ 2.53.2. When an IG disagrees with the IO's findings and conclusions, but the case is determined to be administratively and investigatively sufficient, then the IG may decide not to return the case to the IO, and proceed with the next step in the

Complaints Resolution Process. The Appointing Authority has the final authority to approve or change the final findings and conclusions on an IG investigation.

★ **Section 2I -- Step 8: Technical Review (< 3 Days)**

★ **Section 2J -- Step 9: Legal Review (< 7 Days)**

- ★ 2.55.1. At a minimum SJAs will review IG reports for *legal sufficiency* and provide written legal reviews before the Appointing Authority approves the report and its findings. Table 2.13 shows when legal reviews are required.
- ★ 2.55.4. If MAJCOMs, FOAs, DRUs want to adopt a lower level legal review, they may do so. **EXCEPTION:** Reprisal cases and investigations containing allegations against colonels (or equivalent) require a MAJCOM, FOA, DRU legal review, unless such requirement is excused by SAF/IGQ.

★ **Table 2.13. When are Legal Reviews Required?**

R U L E	A	B	C
	If a ... Investigation	and finding is ...	then legal review is ...
1	Category I	Substantiated	mandatory due to the potential for corrective or command action. (Note 3).
2		Not Substantiated	optional, but highly recommended (Notes 1 & 2).
3	Category II	Substantiated	mandatory (Note 3).
4		Not Substantiated	

NOTES:

- (1) **EXCEPTION:** Legal reviews are mandatory for all investigations against colonels (or equivalent) regardless of the finding or type of investigation.
- (2) For MHE cases, when a Category I investigation is performed, a legal review is mandatory even for not substantiated allegations.
- (3) Reprisal cases require a legal review at the MAJCOM level.

★ **Section 2K -- Step 10: Re-Working the Report (< 0 Days)**

- ★ 2.56.1. The reason for the rework and the dates must be logged into ACTS.

★ **Section 2L -- Step 11: Closing the Case (< 4 Days)**

- ★ **2.58. Appointing Authority Approval.** Approval of a Category II IG investigation rests with the Appointing Authority.
- ★ 2.58.2. In cases where the Appointing Authority disagrees with the IO's findings and conclusions, the Appointing Authority will non-concur with the report in writing in an Addendum to the ROI and if applicable, a revised SROI. Merely deferring to or referencing the legal review (if applicable) is insufficient, rather, the Addendum must clearly explain the reasons for the disagreement and the rationale for the new finding.

Both the IO's findings and the Appointing Authority's determination will be retained as part of the investigation case file.

- ★ 2.59.1.2. For additional closure requirements for investigations conducted as a result of a congressional complaint, refer to paragraph 3.34 of this instruction.
- ★ 2.59.2. IGs at every level are required to update all completed actions in the ACTS database (refer to *ACTS Users Guide*) and are required to maintain an office/case file until its final disposition date.
- ★ 2.59.4. Investigations involving allegations of improper MHE referral, reprisal, or allegations against a colonel (or equivalent), must be forwarded through MAJCOM, FOA, DRU IG to SAF/IGQ for QR.
- ★ **2.61. Responding to Complainants.** Final response to the complainant is the final step before case closure.
- ★ 2.61.1. Responses to complainants must be timely, thorough, and supported by the evidence.
- ★ 2.61.2. Responses to complainants should address all allegations **as framed during the complaint clarification and analysis**. (The response does not necessarily have to address each individual question or allegation originally made by the complainant).
- ★ 2.61.3. Complainants will receive a response from the level that conducted the investigation, unless otherwise directed by higher-level IG. **EXCEPTIONS:**
- ★ 2.61.3.1. For reprisal cases, SAF/IGQ will provide a copy of IG, DoD final approval of the investigation to the applicable MAJCOM, FOA, DRU. It is the responsibility of the MAJCOM, FOA, DRU to provide the final response to the complainant. Refer to Section 3C of this instruction.
- ★ 2.61.3.2. MAJCOM, FOA, and DRU will provide final response to complainants for investigations conducted as a result of congressional complaints.
- ★ 2.61.4. Complainants will receive a final response, in writing, with the findings of the investigation and a copy of the SROI (if available). Refer to paragraph 2.49 of this instruction.
- ★ 2.61.4.1. Ensure the response and SROI are in a public-releasable format.

★ **Figure 2.7. Sample Notification Memorandum to Subject's Commander.**

MEMORANDUM FOR 999 SWGp/CC

FROM: 999 BW/IG

SUBJECT: Results of IG Investigation

1. We have recently completed an Inspector General investigation into an allegation that Lt Col Jane Boss, Commander, 9777th Security Force Squadron, Kirtley AFB, FL, abused her authority when selecting a military member for TDY to Southwest Asia. An impartial officer investigated the allegation and found it to be **not substantiated**.

2. The investigation found that Lt Col Boss established and followed a fair and equitable procedure for selecting squadron personnel for TDY. The complainant possessed the rank, AFSC, and SEI required for the TDY; had the fewest number of days TDY of anyone eligible for the tasking; possessed a worldwide qualified physical profile report; and did not present a hardship or humanitarian reason justifying exemption or deferment from TDY.

3. In accordance with AFI 90-301, paragraph 2.60.2, you must inform Lt Col Boss, in writing, of the finding of the investigation. The Report of Investigation has been reviewed and approved, and we consider the matter closed. **[For reprisal cases, replace the last sentence with:** The Report of Investigation has been reviewed and approved locally; however, final approval authority rests with the Department of Defense Inspector General because the complainant alleged military whistleblower reprisal.]

4. **[For cases containing substantiated allegations,]** A copy of the Report of Investigation (without attachments) is provided for your review to determine appropriate command action. Please advise the IG of what command action is taken. IG records are privileged documents. This transfer of IG records is permitted as an intra-agency disclosure to officers of the agency having a need for the record in the performance of their official duties. You are advised of the protected nature of the report and instructed to comply with the provisions of the Privacy Act in using the report. We require that you use all reasonable means at your disposal to prevent further release of the information other than official discussions with personnel and legal officials on disciplinary proceedings against the subject. IG records are not to be used as attachments or exhibits to other official records without the written approval of the release authority. They must be destroyed or returned to the release authority upon completion of the stated need.

***APPOINTING AUTHORITY
SIGNATURE***

1st Ind, 999 SWGp/CC

MEMORANDUM FOR LT COL JANE BOSS

IAW AFI 90-301, I am informing you of the findings of an Inspector General investigation in which you were the subject. The allegations were not substantiated. Please refer to the above for more detailed information.

SIGNATURE BLOCK
Commander

★ **Table 2.15. Notification Matrix for Closure of Investigation on Lt Cols (not colonel-selects) and Below.**

R U L E	A	B	C
	If the investigation is a...	and the allegations are...	then ...
1	Category I	Substantiated	1. IG notifies the subject's commander, in writing. 2. Commander notifies the subject, in writing. 3. Commander notifies the IG of command or corrective action. 4. IG provides final response to complainant.
2		Not Substantiated	1. IG notifies subject's commander, in writing. 2. Commander notifies subject, in writing. 3. IG provides final response to complainant.
3	Category II	Substantiated	1. Appointing Authority notifies subject's commander in writing. 2. Commander notifies subject, in writing and takes disciplinary/corrective action. 3. Commander notifies Appointing Authority or IG of command or corrective action. 4. Appointing Authority or IG provides final response to complainant. (NOTE)
4		Not Substantiated	1. Appointing Authority notifies subject's commander in writing. 2. Commander notifies subject, in writing. 3. Appointing Authority or IG provides final response to complainant. (NOTE)

NOTE: See paragraph 3.24 for instructions on responding to complainants for reprisal investigations. See paragraph 3.34 for responses for congressional complaints.

- ★ 2.61.5.1. They may request the next higher level IG review the complaint if they are not satisfied with the original investigation and desire such a review, or complainant may appeal to AFBCMR.
- ★ Third-party complainants are not entitled to a response regarding alleged wrongs not directly affecting them unless authorized to receive via a Privacy Act release. However, receipt of a third party complaint must be acknowledged to the complainant. They are only entitled to that information which is publicly releasable under the FOIA/Privacy Act. For further information, refer to Section 4D.
- ★ **Section 2M -- Step 12: Follow-up (<0 Days)**
- ★ **Section 2N -- Step 13: Higher Headquarters (NAF/MAJCOM) Review (< 25 Days)**
- ★ 2.63.2. When deficiencies are identified, reopen the case if necessary to correct any shortcomings. Whenever possible, have the original IO complete the additional work needed and revise the report with an appropriate addendum, update, or correction.

When circumstances warrant reopening the case, the MAJCOM may complete the additional work needed and revise the report with an addendum.

- ★ 2.63.3. MAJCOM, FOA, DRUs will conduct a QR and unless excused by SAF/IGQ, request an additional legal review for **all** military reprisal investigations conducted by a lower-level IG office before forwarding them to SAF/IGQ.
- ★ 2.63.5. MAJCOM, FOA, and DRUs will conduct a QR and provide a final response to complainants for investigations conducted as a result of congressional complaints, unless otherwise directed by higher-level IG.
- ★ **2.64. Disagreement with Findings.** In cases where a higher headquarters QR presents disagreement with the findings, the Appointing Authority or IG review determinations or, legal reviews, the IG at that higher level will reach a determination on the issues in dispute before closing the case or forwarding the report to SAF/IGQ, if required. Under **no** circumstances forward a disputed case to SAF/IGQ for resolution.
- ★ 2.64.3. Provide a new response to complainant (SROI or letter) when the command position differs from the previous conclusions or responses.
- ★ 2.64.5. When warranted, higher headquarters may reopen the case at their level to address the issues in dispute or unresolved issues.
- ★ ***Section 20 -- Step 14: SAF/IGQ Review (< 20 Days)***
- ★ 3.2.1.3. Civilian Personnel, EEO, and MEO offices must provide SAF/IGS the same information provided to SAF/IGQ in paragraph 3.8.3 when they receive complaints containing allegations against Senior Officials.
- ★ 3.6.3. The Air Force General Counsel (SAF/GC), acting for the SECAF, determines whether the SOUIF summary will be provided to a selection board.
- ★ 3.6.3.1. Officers will be given a copy of the adverse information summary prepared for the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 U.S.C. 615 (a)(6)(a)(I) and (ii), and prior to SAF/GC's final determination to provide the information to the board.
- ★ 3.6.3.4. A copy of the SAF/GC approved SOUIF will be provided to the subject's senior rater on, or before, the Promotion Recommendation Form (PRF) accountability date.
- ★ 3.6.3.5. Information provided to a selection board **may not** be provided to subsequent boards **unless** SAF/GC has made a new determination that the information will be forwarded to the board, and the individual has again been afforded an opportunity to comment.

- ★ 3.6.3.6. The officer will be notified of SAF/GC's final decision to establish a SOUIF or not, and will be given a copy of what was provided to the promotion board.
- ★ 3.8.1. IGs at all levels must **immediately** notify SAF/IGQ (through their MAJCOM, FOA, DRU) upon receiving or becoming aware of any *adverse information* (of any kind) or allegations against a colonel (or equivalent) which are not obviously *frivolous* and which, if true, would constitute *misconduct*, or *improper* or *inappropriate conduct* as defined in this instruction. Use the Notification Letter described in Figure 1.2 or the form prescribed in ACTS (*refer to ACTS Users Guide*).
- ★ 3.8.3.1. Immediately notify SAF/IGQ through their MAJCOM, FOA, DRU when they receive a complaint containing adverse information against colonels (or equivalent). Forward notifications to: SAF/IGQ, 1140 Air Force Pentagon, Washington DC, 20330-1140.
- ★ 3.8.3.2. Civilian Personnel and MEO offices must provide status reports to SAF/IGQ 90 days after receipt of allegations and on the first of every month thereafter until case is finalized. EEO offices must provide status reports every 90 days. For all cases, follow the format prescribed in Figure 2.2 of this instruction. Forward status updates to the address provided above.
- ★ 3.11.2. All IG investigations Category I against colonels (or equivalent) must have at least one legal review due to the need for a SOUIF determination or for disclosure of information to the Senate if individual gets promoted to general officer ranks. MAJCOM, FOA, DRU IGs **must** also comply with the requirements of paragraph 3.12.3.1.

★ **Table 3.2. Notification Matrix for Colonels (or equivalent) Cases.**

R U L E	A	B	C
	If ...	and ...	Then ...
1	in Pre- Investigation Phase		IG notifies SAF/IGQ (through MAJCOM, FOA, DRU IG)
2		complaint analysis identified the need for an IG investigation	1. IG notifies Appointing Authority 2. Appointing Authority appoints IO
3		complaint analysis identified an investigation is not warranted	IG notifies SAF/IGQ (through MAJCOM, FOA, DRU IG) of case dismissal and annotates actions in ACTS
4	in Investigation Phase	investigation is ongoing	1. IO (or IG) notifies subject's commander of scope of investigation (in general terms) 2. Commander notifies subject and witnesses 3. Appointing Authority (or IG) provides interim response to complainant 60 days after receipt of complaint, and every 60 days thereafter 4. Appointing Authority (or IG) provides PRs to SAF/ IGQ at the 90-day point on the first of every month thereafter
5		investigation is finished	IO provides Appointing Authority with ROI and supporting documentation for review and approval
6	in Post- Investigation Phase	allegations were substantiated	1. Appointing Authority notifies subject's Commander, in writing 2. Commander notifies subject (in writing) and takes disciplinary/corrective action 3. Commander notifies Appointing Authority (or IG) of action taken and provides copies of all actions 4. If no action was taken, Commander must forward a letter explaining his/her decision and rationale to the next higher organizational level. 5. Appointing Authority (or IG) provides final response to complainant (NOTE) 6. Appointing Authority (or IG) notifies SAF/IGQ of findings and forwards required documents (see Table 3.3)
7		allegations were not substantiated	1. Appointing Authority notifies subject's Commander, in writing 2. Commander notifies subject, in writing 3. Appointing Authority (or IG) provides final response to complainant (NOTE) 4. Appointing Authority (or IG) notifies SAF/IGQ of findings and forwards required documents (see Table 3.3)

NOTE: Refer to paragraph 3.12.2 for exceptions.

- ★ 3.12.2.2. MAJCOM, FOA, DRU IGs will provide final response to complainants for investigations conducted as a result of congressional complaints regardless of the level at which they were received.

★ **Table 3.3. Documents required by SAF/IGQ on Colonel (or equivalent) Cases.**

R U L E	A	B
	If the allegations were ...	Then provide SAF/IGQ with ...
1	Substantiated	1. Copy of entire case file (ROI and attachments) 2. Copy of notification to subject's commander 3. Copy of final response to complainant 4. Copy of legal review 5. Copy of entire command/corrective action 6. If no action was taken, Commander must include a statement or letter explaining his/her decision and rationale
2	Not substantiated	1. Copy of ROI (without attachments) 2. Copy of legal review 3. Copy of final response to complainant 4. Copy of notification to subject's commander 5. SROI (if applicable)

- ★ 3.13.1. Commanders will **immediately** notify SAF/IGQ through their MAJCOM, FOA, DRU when beginning a CDI into allegations against a colonel (or equivalent), and/or preferring charges against a colonel (or colonel-select), when such charges are referred to a court-martial, or when the individuals are the subjects of an Article 32, UCMJ, investigation.
- ★ 3.14.3. The Air Force General Counsel (SAF/GC), acting for the SECAF, determines whether the SOUIF summary will be provided to a selection board.
- ★ 3.14.3.1. Officers will be given a copy of the adverse information summary prepared for the promotion board and will be afforded an opportunity to submit written comments on that information to SAF/GC IAW 10 U.S.C. 615 (a)(6)(a)(I) and (ii), prior to SAF/GC's final determination to provide the information to the board.
- ★ 3.14.3.3. If SAF/GC determines the summary will be provided to the board, the member's comments will accompany the summary to the board.
- ★ 3.14.3.4. A copy of the approved SOUIF will be provided to the subject's senior rater on, or before, the Promotion Recommendation Form (PRF) accountability date.
- ★ 3.14.3.6. The officer will be notified of SAF/GC's final decision to establish a SOUIF or not, and will be given a copy of what was provided to the promotion board.
- ★ 3.17.1.2.1. The IG must comply with the notification requirements described in paragraph 3.18.
- ★ **3.18. Notification Requirements for Reprisal Complaints.** IAW 10 U.S.C. 1034, IG, DoD **must** be notified (through SAF/IGQ), within ten (10) workdays from the date an IG receives a complaint containing allegations of reprisal. IGs at all levels

will notify SAF/IGQ through MAJCOM, FOA, DRU IG within seven (7) workdays using Figure 3.2 or the form prescribed in ACTS (refers to *ACTS User's Guide*).

★ **Figure 3.2. Notification of Allegations of Reprisal Protected under 10 U.S.C. 1034.**

<p>MEMORANDUM FOR MAJCOM/IG SAF/IGQ IN TURN</p> <p>FROM: (Full Official Address)</p> <p>SUBJECT: Report of Allegations of Reprisal and Extension of Whistleblower Protection Under 10 U.S.C. 1034 (ACTS Number)</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI), Rank, and SSN (<i>if colonel or equivalent</i>): Duty Title: Organization: Base of Assignment:</p> <p>b. Location (Base) Where Allegation(s) Occurred:</p> <p>c. Complainant's Name (Last, First, MI) and Rank: Organization: Base of Assignment:</p> <p>d. Brief synopsis of allegation(s):</p> <p>e. Date the IG Received the Complaint and Whistleblower Protection was extended:</p> <p>f. Rank, Name, and duty location of the Investigating Officer (<i>if applicable</i>):</p> <p>g. Grade/rank, name and phone number: (<i>commercial and DSN</i>) of IG POC:</p> <p style="text-align: right;">[SIGNATURE BLOCK]</p> <p>Attachment: Copy of Reprisal Complaint</p> <p style="text-align: center;">This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of Inspector General channels without prior approval of The Inspector General (SAF/IG) or designee.</p> <p style="text-align: center;">FOR OFFICIAL USE ONLY</p> <p style="text-align: center;">(FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED)</p>
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- ★ 3.19.3. Complaint analysis will be conducted following the procedures specified in Section 2C of this instruction and this paragraph. The “Acid Test” is a four-part process, which aids the IG and reviewing officials in evaluating if reprisal occurred. It is an integral part of the reprisal complaints analysis, and all four questions of the

Acid test must be completed. Ensure Responsible Management Officials are interviewed, and consult the SJA prior to formalizing the complaints analysis.

- ★ 3.19.3.1. Using the complaint analysis, the IG must notify SAF/IGQ (through MAJCOM, FOA, and DRU IG) within 30 days after receipt of the complaint, of their intent to either investigate or not investigate following completion of a reprisal complaints analysis. If the reprisal complaint analysis determines that a reprisal investigation **is** warranted, then the investigation should be promptly conducted. No further notification to SAF/IGQ or IG, DoD is required prior to forwarding the finalized investigation or required PRs.
- ★ 3.19.3.2. If complaint analysis determines that a reprisal investigation is **not** warranted, the IG conducting the complaint analysis must forward the results of the analysis to SAF/IGQ through the MAJCOM, FOA, DRU IG office. A copy of all personnel actions alleged to be taken in reprisal must be attached to the complaint analysis. IGs may provide an interim response to complainants informing them that the complaint analysis was forwarded to IG, DoD for final determination.
- ★ 3.20.2. A Category II investigation will be used to resolve complaints or allegations of reprisal or improper mental health referrals which cannot be adequately resolved through a thorough complaint analysis or Category I investigation.
- ★ 3.20.3. IAW 10 U.S.C 1034, MAJCOM, FOA, DRU IGs must provide a PR to OSD and IG, DoD (through SAF/IGQ), **and** an interim response to the complainant if the investigation is not completed within 180 days after receipt of the allegations. The letters must include the reasons for the delay and an estimated time of completion for the investigation. Refer to paragraphs 2.28, 2.29 and Figure. 3.2 for proper format. IGs must also comply with Air Force requirements for PRs and IRs as specified in paragraphs 2.28 and 2.29 of this instruction.
- ★ 3.20.6. Final case file (Figure 2.3) must contain a chronology of events beginning at least with the complainant's **initial** protected disclosure and including adverse personnel actions taken against the military member prior to the protected disclosure.
- ★ 3.20.8. Unless otherwise specified by SAF/IGQ, all reprisal investigations containing allegations against colonels and below **must** have at least two legal reviews and one **must** be done at MAJCOM, FOA, DRU level. **EXCEPTION:** For ANG cases: one legal review will be done at the State level and SAF/IGQ will obtain the second.
- ★ 3.20.10 Reprisal Evaluation Form. Unless dismissed, all reprisal cases must have a Reprisal Evaluation Form completed when case is finalized. For specific guidance on how to complete this form see Attachment 2.
- ★ **3.22. Reprisal Evaluation Form.** A Reprisal Evaluation Form must be completed for all reprisal cases. **EXCEPTION:** This form is not required for a case dismissed.

- ★ 3.22.1. The Reprisal Evaluation Form must be completed as described in Attachment 2 of this instruction, and filed in Section III, Tab F, of the case file.
- ★ 3.22.2. The level conducting the investigation completes Sections A and B, and each level conducting QR will complete it's applicable section.
- ★ **3.23. Reviewing and Approving Reprisal Investigations.** IG, DoD, must approve all military reprisal investigations, regardless of the level where the investigation was conducted. IGs must forward the entire case file (see Figure 2.3) to SAF/IGQ through MAJCOM, FOA, DRU IG.
- ★ 3.23.1. Appointing Authorities should notify the subject's commander of the investigation findings when they approve the case, and inform them that **final** approval rests with IG, DoD. Commanders should take appropriate command action for substantiated findings of reprisal even if IG, DoD has not finalized the case.
- ★ 3.23.1.2. If command/corrective action was not finalized when report was forwarded, IGs will ensure that a copy of the action (or a written report detailing the action) is forwarded to IG, DoD (through the MAJCOM IG to SAF/IGQ) within seven (7) duty days of becoming aware of such action being completed.
- ★ 3.23.3. MAJCOM, FOA, DRUs IGs will conduct a QR and request an additional legal review for **all** military reprisal investigations before forwarding them to SAF/IGQ. NOTE: SAF/IGQ acts as MAJCOM for ANG reprisal investigations conducted at State level and will obtain the required legal review.
- ★ 3.24.2.1.2. SAF/IGQ will provide supporting documentation **directly** to the AFBCMR (or applicable SAF/MIB agency) upon receiving a written Official Use Request from the board for IG records.
- ★ 3.28.3. IGs must inform the complainant that mere disagreement with the referral is not evidence of wrongdoing and does not warrant an investigation.

★ **Figure 3.4. Notification of Allegations of Improper MHE Referral.**

<p>MEMORANDUM FOR MAJCOM/IG SAF/IGQ IN TURN FROM: (Full Official Address)</p> <p>SUBJECT: Report of Alleged Violations of DoD Directive 6490.1, <i>Mental Health Evaluations of Members of the Armed Forces</i>, (ACTS Number)</p> <p>According to AFI 90-301, the following information is provided: <i>(Separate list for all subjects)</i></p> <p>a. Subject's Name (Last, First, MI) and Rank:</p> <p>b. Subject's Duty Title: Organization: Base of Assignment:</p> <p>c. Location (Base) Where Alleged Violations Occurred:</p> <p>d. Complainant's Name (Last, First, MI) and Rank:</p> <p>e. Complainant's Duty Title: Organization: Base of Assignment:</p> <p>f. Brief synopsis of allegation(s):</p> <p>g. Date the IG Received the Complaint:</p> <p>h. Grade/rank, name and duty location of the IG POC::</p> <p>i. IG POC and phone number: <i>(commercial and DSN)</i></p> <p>SIGNATURE BLOCK</p> <p>This is a privileged document. It will not be released (in whole or in part), reproduced, or given additional dissemination (in whole or in part) outside of Inspector General channels without prior approval of The Inspector General (SAF/IG) or designee.</p> <p>FOR OFFICIAL USE ONLY (FOR OFFICIAL USE ONLY WHEN FORM IS COMPLETED)</p>

- ★ 3.30.1.2. DoDI 6490.4 requires that IG, DoD be provided a progress report the 90th calendar day after receiving an allegation of violations of DoDD 6490.1 (if the investigation has not been finalized) and every 60 days thereafter until the final report is submitted. Provide PRs to SAF/IGQ through MAJCOM, FOA, DRU IG 90 days after receipt of complaint and on the first of every month thereafter until the investigation is complete, following the procedures in paragraph 2.28.

- ★ **3.31. Mental Health Referral Evaluation Form.** A Mental Health Referral Evaluation Form must be completed for all Improper MHE Referral cases, regardless of the findings.
- ★ 3.31.2. The level conducting the investigation completes Sections A and B, and each level conducting QR will complete it's applicable section.
- ★ **3.32. Sources for Congressional Taskings.** The Secretary of the Air Force, Office of Legislative Liaison (SAF/LL) is the agency tasked to respond on behalf of the Air Force to all member, staff and constituent inquiries from the White House and Members of Congress. This office will maintain liaison and coordination with the Secretariat, Air Staff, Office of the Secretary of Defense and other government agencies to resolve inquiries and forward responses to the appropriate congressional member. Ordinarily, congressional members contact the Air Force through the Congressional Inquiry Division (SAF/LLI). SAF/LLI, in turn, tasks SAF/IGQ for review/investigation of the case, if appropriate.
- ★ 3.32.1. In those instances when a congressional member contacts an IG, at any level, with an inquiry that requests an IG investigation, the IG will notify SAF/IGQ through MAJCOM, FOA, DRU IG who will, in turn, notify SAF/LLI, within 24 hours of receipt of congressional inquiry. A follow up notification of their intended action (e.g. investigate, dismiss, refer, etc.) must follow within 10 duty days. SAF/IGQ will update SAF/LLI as appropriate.
- ★ 3.32.2. If the complaint contains allegations against a Senior Official or colonel (or equivalent), MAJCOM, FOA, DRU IGs must immediately notify SAF/IGS or SAF/IGQ, respectively, using notification procedures described in Chapter 1. SAF/LLI will respond to congressional inquiries on Senior Officials with enhanced sensitivity.
- ★ 3.36.1. Military Equal Opportunity is the office of primary responsibility (OPR) for complaints regarding allegations of violations of Equal Opportunity and Treatment (EOT) policies.
- ★ 3.36.2. IGs at all levels must immediately refer any allegations of violations of EOT or sexual harassment policy to their respective Military Equal Opportunity office. **EXCEPTION:** Allegations against Senior Officials must be referred to SAF/IGS IAW Section 3A.
- ★ 3.36.3. If a complaint contains both EOT and other non-EOT allegations, separate the EOT allegations and refer these to Military Equal Opportunity for resolution.
- ★ **3.38. Governing Directives.** The following directives are to be used in managing the Air Force FWA Program.
- ★ 3.41.6. Review ROIs and Hotline Completion Reports (HCR) for accuracy and sufficiency.

★ **3.46. MAJCOM, FOA, DRU Responsibilities.** MAJCOM, FOA, DRU IGs will:

★ 3.46.7. For action taskings, submit an HCR by suspense date and a progress report every 30 days thereafter on the first of every month until complete. When a report cannot be completed within 60 days (90 days for criminal and audit referrals), an extension must be requested in writing to SAF/IGQ stating the reason for delay and the anticipated completion date.

★ **3.49. Referring Defense Hotline Complaints to Other Investigative Agencies.**

★ 3.49.1. If during the course of a SAF/IGQ-tasked IG investigation, the allegations are subsequently referred to AFOSI or the Air Force Audit Agency (AFAA) for action, the tasked organization is released from further reporting requirements after notifying SAF/IGQ of the referral.

★ 3.49.2. DoD-IG Hotline reporting requirements must still be met for cases transferred to AFAA or AFOSI; SAF/IGQ will place these cases into follow-up pending receipt of closure documents from AFAA or AFOSI.

★ 3.49.3. MAJCOM, FOA, DRU IG offices will provide SAF/IGQ:

★ 3.49.3.1. A copy of the letter requesting audit support or AFOSI investigation.

★ 3.49.3.2. A copy of the letter or memo from AFAA or AFOSI indicating the project/case number and status, AFAA or AFOSI point of contact's name, duty location, and phone number.

★ 4.1.1. This AFI grants:

★ 4.1.1.1. Official Use Request (OUR)

★ 4.1.1.2. Discovery Request

★ 4.1.1.3. Freedom of Information Act (FOIA)

★ 4.1.2. Restrictions for Use of IG Records. Recipients of IG records must comply with the following restrictions when using the records:

★ 4.1.2.1. Do not use IG records as attachments or exhibits to other official records without the written approval of the release authority, as identified in paragraph 4.3 of this instruction.

★ 4.1.2.2. IG records must be destroyed or returned to the release authority upon completion of stated need.

- ★ 4.1.2.3. Do not further release (in whole or in part), or reproduce IG documents without proper authorization from either SAF/IG, SAF/IGQ, or SAF/IGS as applicable.
- ★ 4.1.2.4. If while using or retaining an IG document an office receives a FOIA or PA request, and the IG document is a responsive record, forward the request to 11 CS/SCSR (FOIA) through the local FOIA office.
- ★ 4.1.2.4.1. The 11 CS/SCSR will forward the request to the appropriate release authority for processing.
- ★ 4.1.2.4.2. Offices should forward the responsive IG documents, upon request, directly to the appropriate release authority and notify their FOIA office of the action.
- ★ 4.1.2.5. Comply with the provisions of the Privacy Act in using the records.
- ★ 4.1.2.6. Comply with the provisions and restrictions of 10 U.S.C. 1102 in using any records obtained as part of a Surgeon General Quality Assurance Review. This requires special care be taken to protect the confidentiality of any medical quality assurance records generated by federal hospital committees that review the quality and standards of care provided to patients treated by the medical facility.
- ★ 4.4.2.3. Explain in detail why the records are needed, to include any future anticipated need based on the planned course of action by the user.
- ★ 4.4.2.4. Be specific as to when the records are needed and, how immediate the users or SJA's need is for a release determination.
- ★ **4.3. Release/denial Authority for OURs.** SAF/IG is release/denial authority for all IG records requested under OUR. **EXCEPTION:** The Appointing Authority is the release authority for OUR requests made by the commander or SJA advising the commander **for the purpose of making a determination regarding command action.** The requested documents will be redacted to remove references to allegations, subjects, etc., that pertain to actions other than those related to command action.
- ★ 4.3.2. The Director, Inquiries Directorate (SAF/IGQ) is hereby delegated authority as a Release Authority for colonel (or equivalent) and below IG investigative records. **EXCEPTION.** For the purposes of making a determination regarding command action, the Appointing Authority is the release authority for OUR requests made by the commander or SJA advising the commander (See paragraph 4.4).
- ★ **4.4. Policy Regarding OURs from Requestors other than a Commander or SJA advising the Commander.** OURs by other than a commander or their SJA must be submitted through MAJCOM, FOA, DRU IG office to SAF/IGQ or SAF/IGS, as appropriate, for release determination. In every case, the following guidance applies.

- ★ **4.5. OURs from Commanders or their advising SJA.** An Appointing Authority or IG may provide commanders (or their SJA) with a copy of the ROI (without attachments) after the Appointing Authority has approved the results of an investigation and when a case contains substantiated allegations against a subject under their command. The purpose of such release is for the commander and the SJA to review the report to determine appropriate command action. Recipients of such releases shall comply with paragraph 4.6 of this instruction. The Appointing Authority or IG will inform commanders, in writing, of applicable restrictions.
- ★ 4.5.2. If a commander or SJA determines that it is necessary to review specific attachment(s) or supporting documents (i.e. witness testimony and/or exhibits in the case file) to determine appropriate command action, the commander or the SJA must submit an OUR to the Appointing Authority. Figure 4.1 shows a sample request from a commander. Figure 4.2 shows an OUR release letter signed by the Appointing Authority. The wording in paragraphs two, three, and four **must** be used verbatim.
- ★ 4.5.2.1. Approval of such request authorizes the commander to provide extracts of the records to the subject if necessary to support the command action. **However**, the commander must limit the extracts to those absolutely necessary to support the command action. Released documents will be redacted to remove third party names in accordance with the Privacy Act.
- ★ 4.5.2.2. Refer to AFI 51-202, *Nonjudicial Punishment*, when providing evidence to the member in an Article 15 action. Refer to AFI 36-704, *Discipline and Adverse Actions*, when providing evidence relied on to support command action against DoD civilians.
- ★ 4.5.2.3. A subject's request for IG records for the purpose of appealing an administrative action will be processed under FOIA (see Section 4D).
- ★ 4.5.3. Obtain a Privacy Act release statement from the subject when a third party (i.e., the defense counsel) requests records on the subject's behalf.
- ★ 4.5.4. Defense counsel's request to review IG records to advise the subject in an Article 15 action must be sent to the commander imposing the action who will process in accordance with paragraphs 4.5.1 and 4.5.2.
- ★ 4.5.4.1. If the defense counsel requires access to IG records beyond what the commander can provide, the defense may advise the subject (client) to request the record(s) pursuant to FOIA. The subject may request expedited processing of the FOIA request if it meets the requirements set forth in DoD 5400.7-R.
- ★ DoDD 5400.7/AF Supplement, *DoD Freedom of Information Act Program*
- ★ *Deleted: AFI 37-132, Air Force Privacy Act Program*

- ★ **FWA**—Fraud, Waste, and Abuse
- ★ **HQ USAF/JAG**—Headquarters Air Force, Judge Advocate General’s Department, General Law Division
- ★ **OPR**—Office of Primary Responsibility or Officer Performance Report
- ★ **SECAF**—Secretary of the Air Force
- ★ **Abuse of Authority**--Abuse of authority is further defined as it relates to personnel. It is an *arbitrary or capricious* exercise of power by a military member or a federal official or employee that *adversely affects* the rights of any person or that results in personal gain or advantage to the abuser.
- ★ **Accountability**--Accountability means you are responsible for all your actions and the actions of the people you command which you could have reasonably influenced. It is the duty of all leaders to hold themselves and their subordinates answerable for their actions and to correct systemic faults. Appropriate remedial measures shall be taken against individuals who have acted unlawfully, improperly or inappropriately. Remedial or corrective measures may be educational, administrative, or punitive and must be appropriate and proportional to the act.
- ★ **Administrative Actions**--Non-criminal proceedings, that include, but are not limited to, letters of reprimand, letters of admonishment, letters of counseling, control roster actions, unfavorable information files, reenlistment denials, promotion propriety actions, and involuntary separation actions. These actions need not to be a result of an IG investigation.
- ★ **Appointing Authority**-- MAJCOM, FOA, DRU, NAF, Center, installation and wing commanders; State Adjutants General; IGs in authorized positions at MAJCOM, FOA, DRU, and NAFs; or any Installation/Wing or State level IG the commander or State Adjutant General designates in writing to act as Appointing Authority. Appointing Authorities have the authority to direct investigations, appoint Investigating Officers (IOs), approve investigations, and make final determinations on the findings of IG investigations directed under their authority.
- ★ **Case File**--A *case file* is a compilation of documents relevant to an investigation that are gathered/prepared during the Complaint Resolution Process, such as the complaint, and complainant provided documents.
- ★ **Category I Investigation**--A Category I Investigation is an examination of policy, procedure or facts in the case in order to resolve the complaint through normal staff functions and quickly respond to a complainant’s concerns.
 1. A Category I Investigation is a determination of the facts by checking records and correspondence, reviewing applicable instructions, examining material evidence, and as deemed necessary, interviewing (using either sworn or unsworn

testimony) the complainant, subject, and persons having direct knowledge of the matter.

2. IGs may ask functional experts to review a complaint and render an opinion (if required) in order to prepare a response to a complainant. IGs should caution functional experts to protect the identity of the complainant by not revealing anything about the complaint to other personnel without the approval of the IG.

3. Document **all** Category I investigations in a formal report titled *Report of Investigation: Category I* (see Figure 2.7) regardless of the findings of the investigation. **Only IGs or a member of the IG office (investigative staff) can conduct Category I Investigations** – A letter of appointment is not required.

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★ **Category II Investigation**--Category II Investigations require formal collection of evidence, taking sworn testimony from complainants, witnesses and subjects, and documentation of the findings in a Report of Investigation (ROI).

1. The Appointing Authority will select and appoint the Investigating Officer (IO) and provide guidance for all Category II Investigations. IGs may conduct Category II Investigations, however an appointment letter is still required.

2. The Appointing Authority will determine the scope of the investigation and determine what testimony should be transcribed verbatim. Both the complainant and subject(s) testimony will be transcribed verbatim.

3. For further details on how to conduct an investigation consult SAF/IG *Investigating Officer Guide*.

★ **Chain of Command (*Designated to Receive a Protected Disclosure*)**--Chain of command begins with that officer who possesses authority to impose nonjudicial punishment upon the complainant pursuant to the UCMJ (Uniform Code of Military Justice), AFI 51-202, or (in the case of an Air National Guard/National Guard member) pursuant to any state, territory, district or possession code of military justice or nonjudicial punishment empowering regulation. The chain of command continues to every superior commander within that respective chain of command. Exception: for those Air National Guard/National Guard units in which commanders have no UCMJ authority while in Title 32 (non-federal) status, the chain of command begins with the squadron commander—or equivalent—over the complainant and continues to every superior commander within that respective chain of command. This includes section commanders so designated, but **does not** include Command Chief Master Sergeants or First Sergeants, Vice Commanders, or Deputy Commanders.

★ **Closure**--An IG Investigation closes after the Appointing Authority approves the case and the complainant receives a final response regardless of any requirements for further higher-level QR. (EXCEPTION: Congressionals and reprisal cases). Complaints that are transferred, dismissed or referred are closed when the tasking actions are complete, i.e. the IG action office closes the action at the time it refers,

dismisses or transfers the action to another agency. Note: Higher-level QRs after case closure do not affect the closure date of a case but are part of the life cycle of each particular complaint. Refer to Section 2L for detailed information.

- ★ **Colonel (or equivalent)**--Any Air Force active duty, Reserve, or Air National Guard officer in the grade of O-6; or an officer who has been selected for promotion to the grade of O-6, but has not yet assumed that grade; or an Air Force civil service employee in the grade of GM/GS-15. **For purposes of this instruction, these individuals will be referred to as *colonels (or equivalent)*.**
- ★ **Complaint Resolution Process**--The Complaint Resolution Process describes actions required to resolve a complaint from receipt through closure. The process, which involves 14 steps representing the lifecycle of a complaint, is divided into three phases, pre-investigation, investigation, and post-investigation. (see Table 2.1).
- ★ **Designated Commander**— The first commander or higher in the complainants' chain of command who has UCMJ authority over the complainant is authorized to receive protected communications. Designated commanders are appointed on G-Series orders. Normally this includes Squadron Section Commanders, Detachment Commanders, Element Commanders and Element Section Commanders on Appointment Orders when they must perform command actions. If not on Appointment Orders, they are considered staff officers and cannot impose non-judicial punishment under Article 15 of the Uniform Code of Military Justice and are not eligible to receive protected communications IAW 10 U.S.C. 1034. Exception: For those Air National Guard/National Guard units in which commanders have no UCMJ authority while in Title 32 (non-federal) status, the chain of command begins with the squadron commander—or equivalent—over the complainant and continues to every superior commander within that respective chain of command. This includes section commanders so designated, but **does not** include Command Chief Master Sergeants or First Sergeants, Vice Commanders, or Deputy Commanders.
- ★ **Independence**—In all matters relating to Inspector General operations, Inspectors General must be free, in fact and appearance, from all impairments to independence. The responsibility for maintaining independence rests with the chain of command so that judgments used in conducting inspections, evaluations, investigations, and recommendations concerning corrective action will in fact be impartial, as well as viewed as impartial by knowledgeable third parties.
- ★ **Investigating Officer (IO)**—Any commissioned officer, senior noncommissioned officer (E-7 and above), or civil service employee equivalent (GS-9 and above) appointed by the competent Appointing Authority to conduct an IG *Category II Investigation*.
 1. An IO is the personal representative of the Appointing Authority.
 2. The Appointing Authority conveys authority for the investigation to the IO in writing.

3. The IO's authority extends to all subordinate echelons of the command and requires the compliance and cooperation of subordinate commanders.
- ★ **Personnel Action**--Any action or threat of action taken on a member of the Armed Forces that affects or has a potential to affect that military member's current position or career. Such actions include (but are not limited to):
 1. a demotion
 2. a disciplinary or other corrective action
 3. a transfer or reassignment
 4. a performance evaluation
 5. a decision on pay, benefits, awards, or training
 6. referral for mental health evaluation under DoDD 6490.1, *Mental Health Evaluations of Members of the Armed Forces*
 7. and/or any other significant change in duties or responsibilities inconsistent with the military member's rank.
 - ★ **Redaction (In reference to processing records under FOIA and PA)**--Masking out (blackening) from records, information which is withheld from release usually under the provisions of the Freedom of Information Act (FOIA) and/or Privacy Act (PA). The exemptions for FOIA are in DoD 5400.7, *Freedom of Information Act Program*. The Privacy Act is outlined in AFI 37-132, *Air Force Privacy Act Program*
 - ★ **Release Authority**--An individual designated to release records in whole according to accepted FOIA and Privacy Act principles. The *Release Authority* is authorized to deny (withhold the release) information to protect the integrity of the system and third party privacy interests. A requester may appeal the Release Authority's decision to deny information through FOIA channels as outlined in DoD 5400.7, *Freedom of Information Act Program*.
 - ★ **Technical Review**--A technical (subject matter expert) review of applicable evidence, findings, and conclusions.
 - ★ **Thoroughness**--All Inspector General operations must be conducted in a diligent and thorough manner, addressing relevant aspects of the readiness, economy, efficiency, and state of discipline of the institution. Inspector General operations must clearly and concisely reflect all elements of the issues under examination. Reasonable steps should be taken to ensure pertinent issues are sufficiently resolved and that all appropriate root causes and remedies are considered. The results of Inspector General operations must not raise unanswered questions, nor leave matters open to question or misinterpretation.

Category I Investigation--A Category I Investigation is an examination of policy, procedure or facts in the case in order to resolve the complaint through normal staff functions and quickly respond to a complainant's concerns.

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 1. A Category I Investigation is a determination of the facts by checking records and correspondence, reviewing applicable instructions, examining material evidence, and as deemed necessary, interviewing (using either sworn or unsworn testimony) the complainant, subject, and persons having direct knowledge of the matter.
 2. IGs may ask functional experts to review a complaint and render an opinion (if required) in order to prepare a response to a complainant. IGs should caution functional experts to protect the identity of the complainant by not revealing anything about the complaint to other personnel without the approval of the IG.
 3. Document **all** Category I investigations in a formal report titled *Report of Investigation: Category I* (see Figure 2.7) regardless of the findings of the investigation. **Only IGs or a member of the IG office (investigative staff) can conduct Category I Investigations** – A letter of appointment is not required.